

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MISSOURI PRIMATE FOUNDATION,
et al.,**

**Plaintiffs and
Counterclaim Defendants,**

v.

**PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, INC., et al.,**

**Defendants and
Counterclaim Plaintiffs.**

Case No. 4:16-cv-02163

**COUNTERCLAIM PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
AGAINST COUNTERCLAIM DEFENDANT ANDREW SAWYER**

Pursuant to Federal Rule of Civil Procedure 56, Counterclaim Plaintiffs, People for the Ethical Treatment of Animals, Inc. and Angela Scott (together, "Plaintiffs"), move the Court for summary judgment on Plaintiffs' claims against Counterclaim Defendant Andrew Sawyer ("Sawyer"). Summary judgment is proper because there is no genuine dispute as to any material fact and Plaintiffs are entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). In support of this motion, Plaintiffs incorporate as if fully set forth herein their Memorandum and Statement of Uncontroverted Material Facts filed concurrently herewith.

WHEREFORE, Plaintiffs respectfully requests that the Court enter an Order in the form submitted herewith,

- (1) granting summary judgment in their favor and against Sawyer, by finding that Sawyer has violated and continues to violate the Endangered Species Act and its implementing regulations, by unlawfully taking the chimpanzee Joey ("Joey"), a federally protected animal (16 U.S.C. § 1538(a)(1)(B), (G); 50 C.F.R. §§ 17.11(h), 17.21(c), 17.31(a)), and

- by continuing to possess Joey who was unlawfully taken (16 U.S.C. § 1538(a)(1)(D); 50 C.F.R. §§ 17.11(h), 17.21(d), 17.31(a));
- (2) entering an injunction terminating Sawyer's ownership and possessory rights with respect to Joey, and prohibiting Sawyer from owning or possessing endangered or threatened animals in the future, and from otherwise violating the ESA; and
- (3) scheduling a hearing to address the appointment of a special master or guardian ad litem to determine placement of Joey at an appropriate Global Federation of Animal Sanctuaries accredited sanctuary, consistent with his best interests.

Dated: March 18, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 18, 2019, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, by which notification of such filing was electronically sent and served to the following:

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